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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,894	02/24/2004	Masato Nakatani	008312-0308433	1002
909	7590	07/01/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			KLAUS, LISA NHUNG	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			2832	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

Office Action Summary	Application No.	Applicant(s)	
	10/784,894	NAKATANI ET AL.	
	Examiner	Art Unit	
	Lisa N. Klaus	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 4/21/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-15, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (US 5,927,483) in view of Udagawa (US 4,967,467).

Yamada discloses a switch comprising:

- Regarding claims 1, 10, 14 and 18, Yamada discloses:

- a housing 1 and 4 having an outer wall;
- the plurality of arms being elastically deformable to move;

- Regarding claims 1, 10, 14 and 18, Yamada does not disclose a push button secured to the outer wall by an arm and overlapping the arm.

Udagawa discloses a method of manufacturing a pushbutton assembly for a switch comprising a push button 2 secured to the outer wall by an arm 13 and overlapping the arm 13.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the push button 2 overlaps the arm 13 as taught by Amari with Yamada's switch for the purpose of holding the push button firmly.

- Regarding claims 2 and 15, Yamada discloses:

- the arm and the push button are formed integral with each other;

- Regarding claim 3, Yamada discloses:

- the outer wall and the arm are formed integral with each other;

- Regarding claim 4, Yamada discloses:

- a frame 1 secured to the outer wall and supporting the arm;

- Regarding claim 5, Yamada discloses:

- the arm and frame are formed integral with each other;

- Regarding claims 6 and 13, Yamada discloses:

- the outer wall has a hole, 1a in which the frame 1 is fitted;

- Regarding claims 7, 11, 17 and 20 Yamada discloses:

- the push button 2b comprises a base (see the attachment) and a button top larger than the base, and the arm 2c extends from the base to the frame and is covered by the button top;

- Regarding claim 8, Yamada discloses:

- frame 1 is surrounds the base and the arm 2c;

- Regarding claim 9, Yamada discloses:

- the housing has a switch 3a which opposes the push button and which is to be actuated when the push button is depressed;

- Regarding claims 11, 17 and 20, Yamada in figure 2 discloses:

- the push button 2 comprises a base 2a and a button top larger than the base, and the arms couple the base and the frame together and are covered by the button top.

2. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada and Udagawa in view of Amari et al. (US 6,603,083).

Yamada and Udagawa disclose the instant claim invention as discussed above except for the frame, arm and base are made of synthetic resin.

Amari discloses a push switch structure comprising:

- the key switch bodies 8 and 9 made of synthetic resin.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the synthetic resin key switch bodies as taught by Amari with Yamada's switch for the purpose of securing the operating touch, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 10, 14 and 18 have been considered but are moot in view of the new ground(s) of rejection.

- Page 9, paragraph 3, Applicant argues that Yamada fails to teach "a push button that is configured to overlap the elastically deformable arm". This argument is not found to be persuasive because the newly found references of Udagawa is applicable to the limitation of claims 1, 10, 14 and 18. Therefore, a new ground of the rejection is presented.

- Page 10, paragraph 4, Applicant argues that "Amari does not teach or suggest a push button that is configured to overlap the elastically deformable arm". This argument is not found to be persuasive because Amari is only cited to teach the key switch bodies made of synthetic resin.

Allowable Subject Matter

4. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest the button region includes a recess defined by side wall which surround the push button and the arm protrudes toward the push button from the side wall.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571)272-1993, and whose fax number is 703-872-9306. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

June 15, 2005


AU 2832
6/24/05

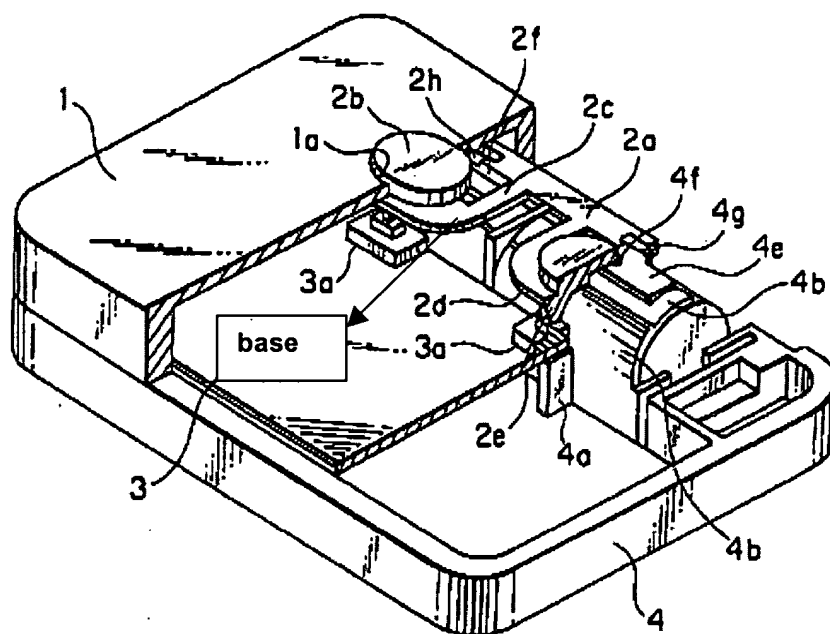


FIG. 2